REMARKS

This Amendment is filed in response to the Office Action filed on December 15, 2003. All objections and rejections are respectfully traversed.

Claims 1-11 are in the case.

At paragraph 3 of the Office Action it was noted that the Group Art Unit Number has been changed to 2111. The heading of this amendment was accordingly changed.

At paragraph 4 of the Office Action the title was approved.

At paragraphs 5-6 of the Office Action claims 1-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Regan et al. U.S. Pat. No. 6,578,086 issued June 10, 2003, in view of Ding et al. U.S. Patent No. 5,519,231 issued February 11, 2003.

The present invention, as set forth in representative claim 1 comprises in part:

1. A layer 2 switch, comprising:
   a plurality of ports, at least one port of said plurality of ports capable of being set to a status of uplinkguard enabled (UG status);

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first circuits for running the spanning tree protocol (STP) in said layer 2 switch, said STP capable of selecting said at least one port as either a designated port or as a root port;

second circuits for running uplinkguard enabled process, and said uplinkguard enabled process determining whether or not a port set to UG status has been selected by STP as a designated port; and,

blocking circuits to set said at least one port into blocked state, said blocking circuits *setting said at least one port into blocked state in response to said at least one port being both in uplinkguard enabled status and selected by STP as a designated port*.

Regan describes a technique to preserve previously un-utilized parallel links between network switches in a layer-2 network for use in load balancing and Quality of Service (QoS) (col. 6, line 31 – 34,). Regan repeatedly states that he <u>does not</u> block or disable I/O ports to manage the active topology (col. 5, lines 26-33, col. 6, lines 25-31). Instead, Regan employs a new link state protocol and link state protocol databases to manage the topology (col. 6, lines 31-34). Each network device monitors changes in the status of I/O ports and issues updates in response to the changes according to the protocol (col. 10, lines 28-31). Through this technique, Regan claims that the network topology is dynamically managed without blocking any ports (col. 10, lines 54-60).

Ding discloses a computer network where more than one physical links may connect two boxes to form a multi link trunk. All of the physical links between two boxes are considered as one logical link. At col. 10 lines 33-41 Ding discloses having a spanning tree protocol set particular ports into a blocking state.

Applicant respectfully urges that neither Regan nor Ding disclose Applicant's claimed novel switch comprising *a plurality of ports, at least one port of said plurality of ports capable of being set to a status of uplinkguard enabled (UG status) . . . setting said at least one port into blocked state in response to said at least one port being both in uplinkguard enabled status and selected by STP as a designated port.*

That is, Applicant respectfully urges that neither Regan nor Ding disclose use of uplinkguard to interact with a spanning tree protocol (STP) to set a port into a blocked state.

Further, Regan teaches away from the present invention because Regan specifically directs <u>not</u> block or disable ports in accordance with an STP scheme, but rather allows multiple links for load sharing and other services. Indeed the main teaching of the Regan patent is management of a layer-2 network without blocking ports. Dissimilarly, Applicant's invention provides a modification to conventional STP, providing a mechanism to determine which ports to block.

Further, Ding teaches away from the present invention because Ding simply teaches the use of a STP without any reference to any status resembling Applicant's claimed novel "uplinkguard".

That is, a person of ordinary skill in the art would be led away from Applicant's presently claimed novel invention because Regan would teach him to not block ports, and Ding would teach him simply to block ports using STP. Neither would teach the new novel use of uplinkguard.

Accordingly, Applicant respectfully urges that both Regan and Ding, either singly or in combination, are legally precluded from rendering Applicant's presently claimed invention obvious under 35 U.S.C. 103(a) because of the absence from both of a concept such as Applicant's claimed uplinkguard, and the absence from both Regan and Ding of Applicant's claimed novel *a plurality of ports, at least one port of said plurality of ports capable of being set to a status of uplinkguard enabled (UG status) . . . setting said at least one port into blocked state in response to said at least one port being both in uplinkguard enabled status and selected by STP as a designated port*.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

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Respectfully submitted,

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